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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,436	09/15/2003	Rodney G. Johnson	PA0891.AP.US	1571
7590	08/09/2006		EXAMINER	
Mark A. Litman & Associated, P.A. York Business Center Suite 205 3209 West 76th Street Edina, MN 55435			BEAUCHAINE, MARK J	
			ART UNIT	PAPER NUMBER
			3653	
DATE MAILED: 08/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/663,436	JOHNSON, RODNEY G.
	Examiner Mark J. Beauchaine	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 April 2006.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 20,21,25-31 and 34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 20,21,25-31 and 34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. 09/380,943.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The Applicant's Petition dated 28 April 2006 to review material (CD and DVDs) of Information Disclosure Statement (IDS) filed 30 August 2004 is noted. To date no decision regarding said petition has been forthcoming. Accordingly, said material has not been reviewed by the Examiner. The Applicant will be informed any decision regarding said petition once it has been adjudicated.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Said claims depend from canceled claim 1, and thus, the elements in said claims lack sufficient antecedent bases.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 21, 25-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 5,989,122 by Roblejo ("Roblejo") in view of Patent Number 6,149,154 by Grauzer et al ("Grauzer") in view of Patent Number 4,339,134 by Macheel ("Macheel"). Roblejo discloses card shuffler 10 having a card holding/infeed area 21, card collecting/shuffled card discharge area 12, card randomizing area/shuffling mechanism 13 and microprocessor/computer 11. Roblejo further discloses first and second card feeders 21 and 17, respectively. Said shuffler moves cards between said holding and collecting areas to form a shuffled set of cards. Said shuffler 10 further includes sensor/card reader 14 that reads indicia on the cards to determine the identity of each card individually (column 3, lines 23-25). The reading of the suit and rank of each card is inherent in the sensor operation.

Roblejo discloses sensor/card reader 14 located below collecting area 12 in lieu of between said holding and collecting areas. The use of card sensors located between card holding and collecting areas for the purpose of determining the passing of cards from one area to another is well known in the art. Grauzer teaches a card shuffler having card sensor 176 located between card holding area 60 and card collecting area 36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the sensor configuration of Grauzer into the card shuffler of Roblejo for the purpose of detecting cards passing between the card holding and collecting areas.

Roblejo further discloses a visual means of signaling a network administrator that a deck of cards is either incomplete or inaccurate (column 4, lines 8-14). The signaling of a surplus or missing card is inherent in said signaling operation. Although Roblejo is silent as to said visual signaling means displaying the suit and rank of a card read by sensor/card reader 14 the use of such a display for the purpose of identifying a particular card by suit and rank is well known in the art. Macheel teaches a card randomizing apparatus including display portions 18 and 20 that identify a particular card by suit and rank. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display of Macheel into the card shuffler of Roblejo for the purpose of identifying a particular card by suit and rank.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb



PATRICK MACKEY  
PRIMARY EXAMINER

A handwritten signature of the letter 'P' is positioned above the printed name 'PATRICK MACKEY' and the title 'PRIMARY EXAMINER'.